



DRAFT SUMMARIZED MEETING MINUTES

CITIZEN CODE OF ETHICS TASK FORCE REGULAR MEETING PINNACLE CONFERENCE ROOM 7575 EAST MAIN STREET SCOTTSDALE, ARIZONA MARCH 2, 2006

PRESENT: Art DeCabooter, Chairman
Margaret Dunn
Jim Bruner
Rita Saunders-Hawranek
Dewey Schade
Ned O'Hearn

ABSENT: Jim Derouin

STAFF PRESENT: Teri Traaen
Deborah Robberson

ALSO PRESENT FOR ALL OR PART OF THE MEETING:

Tim Delaney
Michael Kelly
George Knowlton
Carl Ritter

CALL TO ORDER

The regular meeting of the Citizen Code of Ethics Task Force was called to order by Chairman DeCabooter at 4:07 p.m.

ROLL CALL

Chairman DeCabooter noted the presence of Task Force members as stated above.

OPEN CALL TO THE PUBLIC

Mr. Michael Kelly noted that the paragraph headed "Public Service Ethics Guidance Materials," at the bottom of page 4 of the Public Service Ethics Program states that the City Attorney shall update annually both Attachment A, the annotated matrix of public service ethics laws, and Attachment B, the Disclosure Form. He stated that the matrix might need to be updated more frequently, based on legislative changes.

Mr. Kelly wanted to be clear that the Task Force members believe that if a complaint regarding violations of the Code related to the acceptance of gifts or exercise of undue influence is investigated, found to be true and reported to City Council, that that is in itself a sanction because of the public embarrassment.

Mr. Kelly expressed concern about the personal interest disclosure form. He noted that the term "substantial interest," contained in the first paragraph, is not defined and asked whether the Arizona statutes define that term.

APPROVAL OF THE FEBRUARY 22, 2006 MINUTES

MR. BRUNER MOVED FOR THE APPROVAL OF THE MINUTES OF THE FEBRUARY 22, 2006 MEETING. MS. SAUNDERS-HAWRANEK SECONDED THE MOTION.

Mr. O'Hearn noted that he was not the person who moved approval of the minutes of the February 7, 2006 Task Force meeting.

THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SIX (6) TO ZERO (0).

1. FINAL REVIEW OF THE ETHICS POLICY/PROGRAM

Mr. Delaney noted he had worked with Mr. O'Hearn and Mr. Bruner to incorporate the recommended stylistic changes into the document. In the course of that work, he identified two substantive changes to address with the Task Force before making changes.

He noted that City Attorney, Deborah Robberson, had pointed out that many citizens are unaware that State statute prevents municipalities from imposing laws other than State law. It is therefore proposed that the following text be inserted on page 6, immediately below the "Conflicts of Interests" heading:

"Arizona law prevents local governments from imposing different conflicts of interest laws than State law. To provide guidance to City officials, Scottsdale interprets Arizona's conflicts of interests laws as follows."

Task Force members agreed to the addition of the proposed language.

After discussion, it was agreed that the final sentence of paragraph C (1) should be changed to read: "The independent ethics officer shall not serve in that role for more than one consecutive year."

Mr. Delaney thanked Mr. Bruner, Mr. O'Hearn and City staff for their input.

Dr. Traaen raised a concern about having the City Manager grant extensions to the panel for reviewing and evaluating complaints. After brief discussion, it was decided to amend the portion of Section B - Review Complaints to read as follows:

"In the event of a complaint against the Mayor and members of the City Council, unless the panel requests a 30-day extension that is granted in writing by the independent ethics officer"

Referring to the segment dealing with the handling of complaints about members of boards, commissions, committees, task forces, and other appointed advisory groups (at the bottom of page 9), Dr. Traaen noted that the City Manager is mentioned in the review process on page 10. After brief discussion, Task Force members agreed to strike the words "or City Manager" and replace that language with "Vice-Mayor."

Task Force members agreed with Mr. Kelly's suggestion of permitting the City Attorney to revise the matrix more frequently than annually. It was agreed that the language in paragraph 2 (B) at the bottom of page 4 shall include the words "or more frequently, if warranted".

A discussion ensued on the distinction between the mandatory and aspirational portions of the Code.

Mr. Bruner stated that finding attorneys whose firms have no clients in Scottsdale could prove to be a challenge. He suggested making it immediately clear that the personal interest disclosure form is to be returned to the City Clerk's Office.

In response to a question from Mr. Bruner referencing Mr. Kelly's public comments, Mr. Delaney advised the meeting that the legal definition of "substantial interest" is two pages in length. Ms. Robberson suggested adding, "as defined by State statute" to the Code. Task Force members concurred.

Ms. Saunders-Hawranek noted some points of grammar and punctuation to be corrected for consistency and accuracy and provided Mr. Delaney with a corrected copy of the materials.

Requesting assurance, Mr. Schade stressed that the Code clearly reflect that the report of the Independent Ethics Officer will become a public document upon its submission to the City Attorney. Mr. Delaney explained that this practice is noted at various points in the document, adding that the report is a public document as a matter of law.

MS. SAUNDERS-HAWRANEK MADE A MOTION TO ADOPT THE ETHICS POLICY AND PROGRAM AS AMENDED. MR. BRUNER SECONDED THE MOTION, WHICH CARRIED BY A UNANIMOUS VOTE OF SIX (6) TO ZERO (0).

Chairman DeCabooter noted that although Mr. Derouin was unable to attend the meeting, he has expressed his acceptance of the Ethics Policy and Program.

2. FUTURE MEETING SCHEDULE AND AGENDA ITEMS

Chairman DeCabooter announced that a work-study session with the Mayor and City Council is scheduled for April 3 from 5:00 to 7:00 p.m. All members of the Task Force, and Mr. Delaney, are invited to attend.

Dr. Traaen noted that the Ethics Policy and Program is currently the sole item on the City Council work-study session agenda. Task Force members have an opportunity to attend and answer questions.

Mr. O'Hearn suggested that Chairman DeCabooter, Mr. Bruner and Mr. Derouin represent the Task Force at the session. He noted that a public hearing must be held before an ordinance is enacted.

Chairman DeCabooter remarked that he would lead the discussion but defer to other Task Force members for their comments. Discussion ensued regarding presentation materials to be prepared by staff.

Mr. Bruner expressed thanks to Dr. Traaen, Ms. Robberson, Mr. Osborn, Ms. Wegner, and Mr. Delaney for their assistance. Mr. Delaney played an instrumental role in helping the Task Force achieve its goals and produce a Code of Ethics the City can be proud of.

3. **PUBLIC COMMENTS**

Mr. Kelly noted that City Council must adopt and implement the Code of Ethics Policy and Program. He thanked the members of the Task Force and Mr. Delaney for the significant time commitment invested and for all their hard work. He added that citizens must be educated on what constitutes a substantial conflict of interest, since it is they who would be filing complaints.

Mr. Carl Ritter remarked that the Task Force members have done important work that can potentially make the City a better, more democratic place.

Chairman DeCabooter advised Task Force members that all are to sign the letter accompanying the report to the Mayor and City Council. He expressed thanks to City staff, Mr. Delaney and the Task Force members for their great work.

Mr. Delaney joined in extending thanks to Task Force members.

Mr. O'Hearn thanked the citizens who patiently attended meetings and listened to the discussions.

Ms. Saunders-Hawranek thanked City staff.

ADJOURNMENT

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 4:50 p.m.

Respectfully submitted,
A/V Tronics, Inc.